

REMARKS/ARGUMENTS

By way of an Office Action mailed September 8, 2005, the Office Action rejects claims 1-19 under 35 U.S.C. § 102 as being anticipated by Meffert et al., U.S. Patent Publication No. 2003/003726 A1. Further, claims 10 and 19 were objected to due to formalities that have been corrected in the amended claims.

All amendments to the claims made herein have been made for stylistic purposes and not for reasons of patentability.

Meffert claims priority from U.S. Provisional Patent Application 60/287,416 and a Continuation-In-Part U.S. Patent Application 09/816,255. These applications have priority dates of May 1, 2001 and March 26, 2001, respectively.

When the present application was filed on February 14, 2002, the TRANSMITTAL LETTER stated "Claiming priority of provisional application No. 60/268,506 filed on 02/14/2001". This TRANSMITTAL LETTER has been accepted by the Office and is contained within the file history of the application. The provisional patent application from which this application claims priority has a filing date of February 14, 2001. Therefore, the present application is senior to Meffert and therefore Meffert is not prior art to the present application and cannot form a basis for a rejection of the claims.

Pursuant to 37 C.F.R. § 1.78, the present application has been amended to include the priority date in the specification itself. Under 37 C.F.R. § 1.78, a nonprovisional application can be amended to include the claim of priority in the first sentence after the title. The provisional application containing at least one common inventor with the present

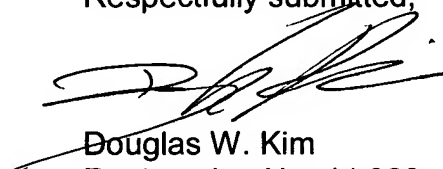
application. 37 C.F.R. § 1,78(a)(1). The amendment above complies with 37 C.F.R. § 1.78(a)(2)(iii) and therefore, the present application may claim a priority date of February 14, 2001.

Since the present application has a priority date of February 14, 2001, Meffert is not a published application filed in the United States **before** the present invention and therefore cannot be a basis for rejection of the present claims under 35 U.S.C. § 102.

CONCLUSION

Respectfully, the Applicant requests that the independent claims and associated dependent claims, be allowed to pass to issuance in the normal course of Patent Office business.

Respectfully submitted,



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